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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,646	12/19/2001	Zvi Kamil	AER-P-2	8261

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT PAPER NUMBER

2642

DATE MAILED: 01/13/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,646

Applicant(s)

KAMIL, ZVI

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4, 5, 9, 20, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,014,435 (Rosen).

As to claims 1, 2, 9, and 20, Rosen teaches an unauthorized call defeat apparatus 4 which is comprised of a controller, specifically a microcontroller/microprocessor (6 of Fig. 2, 13 of Fig. 3) which has a lookup table, read as the claimed memory, for storing call restriction data in the form of restricted numbers or set of numbers (900 numbers) and inherently at least one call restriction rule. At least one rule is needed or else the controller 6 would have no way of applying call restriction to the restricted numbers – it would simply have a set of numbers and no way of knowing how/when to restrict dialing of those numbers. (Figs. 1 and 2, Abstract, Col. 2, lines 21 – 31) Rosen also teaches that the apparatus 4 has transceiver for transmitting and receiving tone signals to the telephone line and inherently conductors for sending digital signals to and receiving digital signal from the controller 6 inasmuch as the transceiver⁷ (Fig 2, elements 5 and 7, and the communication between microcontroller 6 and elements 5 and 6) Finally, Rosen teaches that the controller 6 detects an restriction condition and based on the digital signals from when the

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transceiver analyzes and detects that unauthorized digits have been dialed, sending an interference (either invalidating DTMF tones or a disruptive audio tone) on the telephone to block/jam the call and prevent the call from being completed. (Col. 1, lines 45 – 67, Col. 2, lines 32 – 43 and Col. 2, line 52 – Col. 3, line 35)

As to claim 4, see the above discussion and also see Fig. 2 wherein Rosen teaches that the receiver 5 and autodialer 7 receive and send DTMF tones.

As to claim 5, it is inherent that Rosen teaches a nonvolatile memory inasmuch as if such was not the case, the restricted numbers would have to be input over and over again. Moreover, see Col. 4, lines 51 – 60 wherein the memory is taught as being either ROM or RAM which need only be programmed one time.

As to claim 6, it is inherent that the apparatus 4 has a circuit for supplying power only when a telephone goes off hook because as seen in Figs. 1 and 2, no external power supply or circuit is shown. Moreover, such would operate like a standard telephony unit which has circuitry therein to power itself when it goes off hook or an incoming call voltage is received.

As to claim 24, see the above rejection of claim 1 and also note that Rosen teaches that the interfering tone/signal is to be a sufficient intensity so as to totally disrupt communication on the line to which it is applied. (Col. 4, lines 38 – 42)

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,014,435 (Rosen).

Rosen has been discussed above. What Rosen does not specifically teach is increasing the intensity of the interference signal.

However, it has already been discussed that Rosen teaches applying an interference signal of sufficient intensity so as to disrupt communications. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented a feature of increasing signal intensity simply because Rosen already contemplates supplying a sufficiently intense signal. If a signal were not intense enough to disrupt communications, obviously it would have to be intensified.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,014,435 (Rosen) in view of US 4,095,056 (Ewen).

Rosen has been discussed above and further teaches the use of a timer 23 in microprocessor 13 (Fig. 3) which makes sure that the interference is supplied for a suitable period. What Rosen does not teach is specifically that the interference is maintained on a telephone line until a sufficiently long on hook duration has passed and resuming the interference if such is not the case.

However, Ewen teaches a call restriction apparatus that guards against a user flashing his/her hook switch to trick the apparatus via a time delay circuit which reads on the claimed "maintaining the interference... until a telephone on hook condition of sufficient duration is detected." (Col. 7, lines 22 – 36 of Ewen). It would be obvious for one of ordinary skill in the art at the time the invention was made to have implemented or modified the invention of Rosen to use a time delay associated with an on hook duration inasmuch as Rosen already employs a timer for assuring that the call defeat apparatus works for a sufficiently long time, and because avoiding trickery or the fooling of a line into allowing an unauthorized call to be competed anyway is an extremely old and well known motivation. The idea of Ewen is to prevent using a quick on hook condition to prevent tricking the system, and the purpose of the limitations cited in claims 7 and 8 are precisely the same as that taught by Ewen. Moreover, implementing such an idea would not in any way teach away from or impair the call restriction functionality taught by Rosen.

4. Claims 10 – 19, 21 - 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,014,435 (Rosen) in view of US 5,864,613 (Flood).

As to claims 10 and 11, Rosen has been discussed above and further teaches that call defeat apparatus 4 may be programmed. (Col. 4, lines 44 – 60) What Rosen does not teach is the receipt of an authorization code before programming is allowed.

However, the use of authorization codes or personal identification numbers (PINs) is extremely old and well known in the telephony arts. The very fact that Rosen teaches an apparatus for defeating “unauthorized” calls would suggest that access to, i.e., programming the apparatus would have to be protected. The most common way of doing this of course is by requiring that a user enter an authorization code or PIN of some sort. Flood teaches a request for a passcode read as the claimed “authorization code” and the inputting either passcode data or call restriction data via voice command so programming of the call restriction device can commence. (Col. 6, lines 10 – 29)

Therefore, it would have been obvious for one of ordinary skill in the art to have required the use of an authorization code before allowing programming in the invention of Rosen for the reasons/motivations given above and because both Rosen and Flood teach a programmable call restriction device.

As to claims 12, 16, 19, 21, and 22, Rosen and Flood have been discussed above.

Flood further teaches that the call restriction apparatus may be programmed via a computer such as an voice-recognition device or IVR which may be accessed when the user dials an access telephone number to that computer/IVR element. (Col. 4, lines 8 – 18 and Col. 6, lines 10 – 67 of Flood)

What Flood does not specifically teach is having a remote computer/IVR.

However, Flood does contemplate for example in a residential embodiment, having a switch 104 (wherein the call restriction functionality is located) remotely located from the telephone 102 to which the call restriction would be applied. Flood also contemplates that the switch 104 may be co-located with the telephone 102. (Fig. 1, Col. 3, lines 1 – 10) Therefore, although Flood does not specifically teach the use of a remote computer/IVR such would certainly at the least have been obvious to one of ordinary skill in the art at the time the invention was made.

Moreover, such a limitation is old and well known in the telephony arts and merely makes a system component or feature/service accessible from a location other than where that component resides or where the feature/service is to be applied. A common example of this is voice mail which is associated with a home telephone number for example, but can be access and modified from anywhere/any network, remote or otherwise as long as an access number is provided, such as taught by Flood above.

As to claims 13 – 15, 1, and 18, see the above rejections of claims 10 and 12.

As to claims 23 and 25, see the above rejection of claims 1 and 3. Further note, that if the intensity of the interfering tone/signal had to be increased then it is obvious at the least, that a claimed first signal would be, as taught above, sent to invoke the call restriction and apply the interference signal in the first place, and of course a second signal would be sent to increase the intensity if it was determined that the intensity of the original interference signal was not sufficient. Because “increasing” the intensity of

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a signal is contemplated, then a two-step process such as the one described above would be needed.

Response to Arguments

5. Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection. Applicant's further arguments regarding the use of the Flood and Ewen references have been addressed above in the rejection.

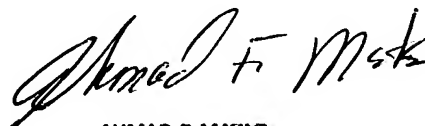
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.
January 11, 2004


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